

REMARKS

The applicants again thank the examiner for his review of the prior art and analysis of the pending claims.

In summary, the most recent office action rejected the pending claims on two grounds:

1) Nonstatutory double patenting in view of commonly owned US 6,650,327 ("Airey"), and

2) As being obvious in view of US 6,115,047 ("Deering"), US 5,440,682 ("Deering-682"), US 5,307,450 ("Grossman"), and US 6,567,083 ("Baum").¹

The applicants address both grounds immediately below.

Double Patenting

To overcome this rejection, the applicants are submitting a terminal disclaimer. This submission, however, is intended to simplify prosecution and thus, should not be construed as the applicants' agreement with this rejection.

Obviousness Rejections

As noted above, the office action rejected the claims as being obvious in view of Deering, Deering-682, Grossman, and Baum. Applicants wish to point out, however, that Baum is not appropriate prior art and should be disqualified.

Both this patent application (U.S. 09/614,363) and Baum were, at the time the invention of this application was made, owned by Silicon Graphics, Inc. of Mountain View, California. See 35 USC 103(c)1. Although not necessary to submit, the applicants are attaching a copy of the assignment records of the U.S. Patent and Trademark Office showing this common ownership. Baum therefore could not be used

¹ Although page 10 of the office action does not include Grossman in the rejection, prior and subsequent text appear to rely on such reference in making the rejections.

to reject the claims as being obvious even if, *arguendo*, it did qualify as prior art under 35 USC 102(e), 102(f), or 102(g).

Without Baum, the office action does not present a *prima facie* case of obviousness, thus obviating this rejection. It should be noted that this statement under 103(c)1 is intended to simplify prosecution and, consequently, should not be construed as the applicants' agreement with this rejection.

The applicants therefore request issuance of a notice of allowance. The further expedite prosecution, the applicants request that the examiner call Steven Saunders at 617-443-9292 if he has any further questions.

Applicants petition for a three month extension of time, and request charging of this fee to deposit account number 19-4972. In the event that further fees are required, please charge deposit account number 19-4972.

Respectfully submitted,

/Steven G. Saunders,#36,265/

Steven G. Saunders
Registration No. 36,265
Tel: 617-443-9292

02839/00115 712011.1



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Assignments on the Web > Patent Query

Patent Assignment Abstract of Title

***NOTE: Results display only for issued patents and published applications.
For pending or abandoned applications please consult USPTO staff.***

Total Assignments: 2

Patent #: [6567083](#) **Issue Dt:** 05/20/2003 **Application #:** 08937793 **Filing Dt:** 09/25/1997
Inventors: DANIEL R. BAUM, PATRICK M. HANRAHAN, MATTHEW M. PHARR
Title: METHOD, SYSTEM, AND COMPUTER PROGRAM PRODUCT FOR PROVIDING ILLUMINATION IN COMPUTER GRAPHICS SHADING AND ANIMATION

Assignment: 1

Reel/Frame: [008825/0640](#) **Recorded:** 09/25/1997 **Pages:** 2

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: [BAUM, DANIEL R.](#) **Exec Dt:** 09/19/1997
[HANRAHAN, PATRICK M.](#) **Exec Dt:** 09/19/1997
[PHARR, MATTHEW M.](#) **Exec Dt:** 09/19/1997

Assignee: [SILICON GRAPHICS, INC.](#)
2011 NORTH SHORELINE BOULEVARD
MOUNTAIN VIEW, CALIFORNIA 94039

Correspondent: STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C
MICHAEL V. MESSINGER
1100 NEW YORK AVE., N.W.
SUITE 600
WASHINGTON, D.C. 20005-3934

Assignment: 2

Reel/Frame: [013285/0563](#) **Recorded:** 09/16/2002 **Pages:** 14

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: [SILICON GRAPHICS, INC.](#) **Exec Dt:** 09/28/2001

Assignee: [MICROSOFT CORPORATION](#)
ONE MICROSOFT WAY
REDMOND, WASHINGTON 98052-6399

Correspondent: WOODCOCK WASHBURN LLP
STEVEN H. MEYER
ONE LIBERTY PLACE - 46TH FLOOR
PHILADELPHIA, PA 19103-7301

Search Results as of: 07/27/2007 10:18 AM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.0.1
Web interface last modified: April 20, 2007 v.2.0.1

[HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)